

HOUSE BILL 1717

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 63 and Title 68, relative to hospitals and
physicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 29 Chapter 26, is amended by adding
the following as a new appropriately designated section:

Section ____.

(a) A hospital or an affiliate of a hospital is not liable for civil damages as
a result of an act or omission by a physician who is not an employee of the
hospital if the hospital provides notice that the physician is an independent
contractor. The hospital is not otherwise liable for the acts or omissions of a
physician who is an independent contractor. The notice required by this
subsection must:

(1) Be posted conspicuously in all admitting areas of the hospital;

and

(2) Be in substantially the following form:

NOTICE TO HOSPITAL PATIENTS

LIMITED LIABILITY

(Name of hospital or affiliate) may not be responsible for the actions of certain
physicians who are not directly employed by (name of hospital or affiliate). The
following physicians are independent contractors and are not employees of the
hospital: (List specific physicians)

(b) This section does not preclude liability for civil damages that are the proximate result of the hospital's negligence or intentional misconduct.

(c) In this section:

(1) "Physician" means a physician licensed under Title 63;

(2) "Hospital" means those facilities licensed under Title 68 and Title 33 and includes a governmentally owned or operated hospital and their affiliates;

(3) "Independent contractor" means a physician who is not an employee of the hospital in connection with the rendition of the health care services.

SECTION 2. Tennessee Code Annotated, Section 63-6-204(f)(1), is amended by deleting the following phrase: "other than radiologists, anesthesiologists, pathologists, or emergency physicians,".

SECTION 3. Tennessee Code Annotated, Section 63-6-204(f)(4), is amended by deleting the last sentence of the subdivision.

SECTION 4. Tennessee Code Annotated. Section 63-6-204(f), is amended by deleting subdivision (6) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION 5. Tennessee Code Annotated, Section 63-6-204(f)(7), is amended by deleting items (B), (C), (E) and (H) in their entirety and redesignating the subsequent items accordingly.

SECTION 6. Tennessee Code Annotated, Section 63-6-204, is amended by deleting subdivision (g)(5) in its entirety and replacing it with the following:

(g)

(5) The provisions of this subsection (g) shall not apply with respect to any physician employee of a faculty practice plan who practices as a primary

care physician or in the specialties of obstetrics or general pediatrics in a health resources shortage area as determined in the health access plan most recently published by the department of health.

SECTION 7. Tennessee Code Annotated, Section 68-11-205(b)(1), is amended by deleting the following phrase: "other than radiologists, anesthesiologists, pathologists, or emergency physicians".

SECTION 8. Tennessee Code Annotated, Section 68-11-205(b), is amended by deleting subdivision (6) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION 9. Tennessee Code Annotated, Section 68-11-205(b), is amended by deleting subdivision (9) in its entirety and by renumbering the remaining subdivisions accordingly.

SECTION 10. Tennessee Code Annotated, Section 68-11-205(d), is amended by deleting subdivisions (2), (3), (6), (8) and (9) in their entirety and redesignating the subsequent items accordingly.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.